



**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR USING OPTICAL IDLER TONES FOR PERFORMANCE
MONITORING IN A WDM OPTICAL TRANSMISSION SYSTEM
the specification of which

[] is attached hereto.

[X] was filed on July 3, 2003 as

Application Serial No.: 10/613,521

and was amended on
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

NONE

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States

Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Provisional Patent Application Serial No. 60/404,608

Filed: 08/20/2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and or agents(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith, and all business related to non-United States national, regional, and international patent applications corresponding therewith.

Stuart H. Mayer, Esq.	(Reg. No. 35,277)
Karin L. Williams, Esq.	(Reg. No. 36,721)
Michael P. Fortkort, Esq.	(Reg. No. 35,141)
David B. Bonham, Esq.	(Reg. No. 34,297)
Mark K. Young, Esq.	(Reg. No. 38,666)
Heather L. Mansfield, Esq.	(Reg. No. 39,157)

Please address all correspondence to: Stuart H. Mayer, Esq.
Mayer Fortkort & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Direct all telephone calls to: Stuart H. Mayer, Esq.
(908) 518-7700 Telephone
(908) 518-7795 Facsimile

SIGNATURE PAGE

Page 3 of 3

1. Full name of first joint inventor: Jay P. Morreale

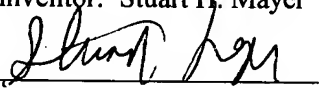
Inventor's signature  Date 12/15/03

Residence: Summit, New Jersey

Citizenship: United States of America

Post Office Address: 17 Shadyside Avenue
Summit, NJ 07901

2. Full name of second joint inventor: Stuart H. Mayer

Inventor's signature  Date 12/15/03

Residence: Montclair, New Jersey

Citizenship: United States of America

Post Office Address: 14 Kenneth Road
Montclair, NJ 07043